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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,743

03/10/2004

Garrett R. Vargas

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WORKMAN NYDEGGER/MICROSOFT

1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UT 84111

EXAMINER

IBRAHIM, MOHAMED

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/798,743	Applicant(s) VARGAS ET AL.	
	Examiner Mohamed Ibrahim	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 14 uses the phrase "Computer-readable medium" however the phrase lack proper antecedent basis from instant disclosure.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 23 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The claims are directed to computing device which is hardware however, the language of the claim only recites software components. Thus the claims need to recite the hardware components which interact with the computer device.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a computing device system however the component of these claims consists of only software application that facilitate message handling for the computing device. Thus the claims are rejected for been implement in software per se.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Koponen et al (Koponen), U. S. Patent Application Publication No. 2004/0235503 A1.

Regarding claim 1, Koponen discloses in a computing device, a method comprising:  
receiving a message at a message-handling mechanism that is configured to present message data to users (see e.g. paragraphs [0029],[0030] and [0031]; SMS messaging centre is utilized for handling messages directed to mobile device users); providing the

message to a set of at least one rule client (see e.g. paragraphs 35-37; incoming messages are evaluated based on predefined rules); and receiving data from the rule client that instructs the message-handling mechanism to take an action with respect to the message (see e.g. paragraphs [0039] and [0040]; actions are performed on the messages based on stored rules).

Regarding claim 2, Koponen discloses wherein receiving a message comprises receiving a message in an SMS format (see e.g. paragraph [0019]).

Regarding claim 3, Koponen discloses wherein receiving a message comprises receiving a message formatted according to a protocol, the protocol belonging to a set containing IMAP4, POP3, ActiveSync, Instant Messaging and MMS (see e.g. paragraphs [0021] and [0032]).

Regarding claim 4, Koponen discloses wherein providing the message comprises calling the rule client on a defined interface (see e.g. paragraph [0020]).

Regarding claim 5, Koponen discloses wherein receiving data from the rule client comprises receiving data indicating that the message is to be discontinued, and further comprising, deleting the message (see e.g. paragraph [0039]).

Regarding claim 6, Koponen discloses wherein receiving data from the rule client

comprises receiving data indicating that the message may be provided to other rule clients, and further comprising, determining whether at least one other rule client is present, and if so, providing the message to another rule client (see e.g. paragraphs [0031] and [0037]).

Regarding claim 7, Koponen discloses wherein no other rule client is present, and further comprising, storing the message for display in a user interface corresponding to the message-handling mechanism (see e.g. paragraph [0032]).

Regarding claim 8, Koponen discloses wherein the data from the rule client indicating that the message may be provided to other rule clients comprises information indicating that the rule client was not interested in handling the message (see e.g. paragraphs [0031] and [0037]).

Regarding claim 9, Koponen discloses wherein the data from the rule client indicating that the message may be provided to other rule clients comprises information indicating that the rule client handled the message (see e.g. paragraphs [0020] and [0036]).

Regarding claim 10, Koponen discloses wherein providing the message comprises, making a copy of the message, and providing the copy to the rule client (see e.g. paragraph [0038]).

Regarding claim 11, Koponen discloses wherein providing the message comprises setting a flag associated with the message at an inbox program, calling a message storing component, detecting the flag at the message storing component, and calling the rule client from the message storing component (see e.g. paragraph [0040]).

Regarding claim 12, Koponen discloses further comprising, receiving the message at a rule client and communicating information from that message to a program that is distinct from the message-handling mechanism (see e.g. paragraphs [0031] and [0037]).

Regarding claim 13, Koponen discloses further comprising returning the data from the rule client to the message-handling mechanism (see e.g. paragraph [0032]).

Regarding claim 14, the limitation of this claim has already been addressed (see claim 1 above).

Regarding claim 15., Koponen discloses in a computing device, a method comprising: providing a rule client, the rule client coupled to receive messages from a message-handling mechanism that presents message data to users (see e.g. paragraphs [0029],[0030] and [0031]; SMS messaging centre is utilized for handling messages directed to mobile device users); providing information corresponding to the message to a program that is distinct from the message-handling mechanism (see e.g. paragraphs

35-37; incoming messages are evaluated based on predefined rules); and returning a response to the message-handling mechanism, the response including data that instructs the message handling mechanism as to further processing of the message (see e.g. paragraphs [0039] and [0040]; actions are performed on the messages based on stored rules).

Regarding claim 16, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 17, the limitation of this claim has already been addressed (see claim 4 above).

Regarding claim 18, the limitation of this claim has already been addressed (see claim 13 above).

Regarding claim 19, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 10, the limitation of this claim has already been addressed (see claim 12 above).

Regarding claim 21, the limitation of this claim has already been addressed (see claim



10 above).

Regarding claim 22, the limitation of this claim has already been addressed (see claim 15 above).

Claim 23 list all the same elements of claim 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 23.

Regarding claim 24, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 8 above).

Claim 27 list all the same elements of claim 15, but in computing device process form rather than method form. Therefore, the supporting rationale of the rejection to claim 15 applies equally as well to claim 23.

Regarding claim 28, the limitation of this claim has already been addressed (see claim 7 above).

***Prior Art of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/ *MS*

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER